IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8337 of 2005

Between:

P.Sudheer Reddy, S/o.Radhakrishna Reddy
R/o.Balaji Nagar, Nellore, Nellore District.

..... PETITIONER

AND

1 The APSRTC.rep. by its VC and Managing Director,
A.P.Hyderabad.
2 The Regional Manager, APSRTC, Nellore.
3 The Divisional Manager, APSRTC Nellore.
4 The Depot Manager, Depot No.1 APSRTC.
Nellore, Nellore District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more in the nature of Mandamus or any other appropriate writ declaring the impugned proceedings No.02/01/122 (3)/2003-RM (N) dt.7.10.2004 of the 2nd respondent in terminating the license of the petitioner to run pan and book stall at Pucca Room No.5 of APSRTC main Bus Station Nellore without any notice and forfeiting the Security deposit and Advance License fee on the above stall and also the consequential notification in calling for tenders for allotment of the said shop for rentals through Tender Notice No.02/112/(13)/2005-RM(N) dt.14.2.2005 of the 2nd respondent which is published in Andhra Jyothi, Telugu Daily, Nellore Edition dt.17.2.2005 as illegal, arbitrary, contrary to the principles of natural justice and consequentially to set aside the same and pass appropriate orders.

Counsel for the Petitioner:MR.K.ANANDA RAO

Counsel for the Respondent Nos.1 to 4: MR.R.MANMADHA REDDY (SC FOR

APSRTC)

The Court at the admission stage made the following O R D E R:

The petitioner questions the impugned proceedings dated 07.10.2004, whereunder the second respondent terminated the licence of the petitioner to run Pan and Book Stall at Pucca room No.5 in Nellore Bus Station. He also challenges the paper notification dated 17.02.2005 issued by the second respondent in Andhra Jyothi, Telugu Daily, Nellore District Edition.

Learned counsel for the petitioner contended that inspite of extending time till 31.10.2004 for payment of the arrears of rent, the second respondent passed the impugned proceedings dated 07.10.2004. Hence, the impugned proceedings are liable to be set aside.

Heard the learned standing counsel for the respondent-Corporation.

The petitioner was granted licence by the respondent-Corporation to run Pan and Book Stall at Pucca room No.5 in Nellore Bus Station, for a period of three years and to that effect an agreement dated 27.03.2003 was entered into between the parties. As per Clause 33 of the Deed of Licence, the licence is liable to be terminated if the licence fee is not paid for three consecutive months without further notice. The petitioner is bound by the terms and conditions of the Deed of Licence. The contract entered into between the parties is purely a civil dispute. As no right of the petitioner has been infringed and the termination is not shown to have been passed contrary to the terms and conditions of the Deed of Licence, the writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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(K.C.BHANU,J)

Dt:19th April, 2005

usd

To

1 The V.C. and Managing Director, APSRTC,
A.P.Hyderabad.
2 The Regional Manager, APSRTC, Nellore.
3 The Divisional Manager, APSRTC Nellore.
4 The Depot Manager, Depot No.1 APSRTC.
Nellore, Nellore District.

5 2 CD copies

6 1 CC to MR.ANANDA RAO

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